

Panaji, 23rd February, 1989 (Phalguna 4, 1910)

SERIES II No. 47

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 3/17/74-PER (Vol. IV)

Government is pleased to transfer Shri J. B. Singh, Grade I Officer of Civil Service presently on deputation as General Manager, Goa Marketing and Supply Federation, Panaji, and post him as Additional Collector (North) Goa District by terminating his deputation in the said Goa Marketing and Supply Federation, with immediate effect.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 2nd February, 1989.

Order

No. 6/31/76-PER

Pursuant to the Order No. KTC/OSD/10-8/87-88/07 dated 28-12-1988 of the Kadamba Transport Corporation Limited, Shri A. S. Ingle, Grade I Officer of Civil Service was relieved with effect from 1-12-1988 for his permanent absorption in the Kadamba Transport Corporation Limited, as General Manager of the said Corporation, in public interest.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 6th February, 1989.

Order

No. 3/17/74-PER (Vol. IV) (A)

In exercise of the powers vested in him under Sub-Rule (2) of Rule 4 of the Goa, Daman and Diu Civil Services Rules, 1967, read with Rule 2 clause (d) thereof, the Governor of Goa is pleased to declare the 2 (two) posts of Deputy Collector/District Recovery Officer in the Collectorate of North and South Goa in the pay scale of Rs. 2000-3500 created vide Government order No. 15/27/86-PER dated 16-12-1988 as temporary 'Duty post' of the said Service with immediate effect for the purpose of recruitment thereto till further orders.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 2nd February, 1989.

Order

No. 5/9/86-PER

The Government is pleased to order with immediate effect transfers and posting of the following Grade II Civil Service Officers, as indicated below:—

| Sr.No. | Name of the officer and present posting | Posted on transfer |
|--------|--|--|
| 1. | Shri O. K. S. Menon, Superintendent, Central Jail, Aguada. | Sub-Divisional Officer, Sub-Divisional Office, Quepem vice Shri Barreto transferred. |
| 2. | Shri J. J. Barreto, Sub-Divisional Officer, Sub-Divisional Office, Quepem Goa. | Superintendent, Central Jail, Aguada, vice Shri Menon transferred. |

Shri O. K. S. Menon should move first.

By order and in the name of the Governor of Goa.

A. V. Pimenta, Under Secretary (Personnel).

Panaji, 27th January, 1989.

Order

No. 1/21/87-PER

Shri V. M. Dessai, Deputy Director of Education, shall hold the charge of the post of Director of Education, in addition to his own duties, with immediate effect, till further orders.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 31st January, 1989.

Directorate of Vigilance

Memorandum

No. 1-4-78-VIG (Vol. III)

Sanction of the Chief Vigilance Officer is hereby conveyed to the appointment of Shri R. R. Naik, Accounts Officer as Vigilance Officer for the Directorate of Transport, Panaji with immediate effect.

This supersedes the Memorandum earlier issued appointing the Vigilance Officer in the above office.

S. D. Sadhale, Deputy Director (Vigilance).

Panaji, 1st February, 1989.

Home (General) Department

Notification

No. HD(G)/45-59/575/66-Vol.III

Read: — Notification No. HD-G-45-59-575/66-Vol.III dated 5-1-1987.

The Goa, Rajya Sainik Board is hereby reconstituted as under: —

- | | |
|---|---------------------|
| 1. Chief Minister. | President |
| 2. The General Officer Commanding-in-Chief, Headquarters Southern Command, Pune. | Vice President |
| 3. Shri Chandrakant Verenkar, M. L. A. | Non-Official Member |
| 4. Chief Secretary. | Member |
| 5. The Flag Officer Commanding Goa Area, Indian Navy, Vasco-da-Gama. | Member |
| 6. The Station Commander and Commandant, H. Q. 2, Signal Training Centre, Panaji. | Member |
| 7. The Collector (North), Panaji. | Member |
| 8. The Collector (South), Margao. | Member |
| 9. Director Re-Settlement South Zone, Pune-1. | Special Invitee |
| 10. Brig. (Retd.) K. F. D'Lima, 53, Defence Colony, Porvorim. | Non-Official Member |
| 11. President of Indian Ex-Servicemen League, Goa. | Non-Official Member |
| 12. Representative of the Goa Chamber of Commerce. | Non-Official Member |
| 13. Secretary (Education) Secretariat, Panaji. | Ex-Officio, Member |
| 14. Joint Secretary (Home), Secretariat, Panaji. | Ex-Officio, Member |
| 15. Director of Social Welfare, Panaji. | Ex-Officio, Member |
| 16. Maj. (Retd.) B. Nazareth. | Non-Official Member |
| 17. Secretary, Rajya Sainik Board | Member Secretary |

2. The functions of the Board are as specified below: —

- Coordinating and administering the work of Goa Rajya Sainik Board.
- Promoting measures relating to the welfare of ex-servicemen and the families of serving and deceased personnel.
- Disseminating information to the General Public regarding the Armed Forces in the Country and taking measures to encourage the general public to take active interest in the Armed Forces.

3. The reconstituted Board shall hold office for a period of 2 years. It shall meet twice in a year.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 25th January, 1989.

Notification

No. 1/53/88-HD(G)

Read: — Government Notification No. HD-34-1410/1966-A dated 5-10-1966.

Sanction of the Government is hereby conveyed to transfer the Tivim-Sirsaim area from the jurisdiction of Bicholim Police Station to the jurisdiction of Mapusa Police Station with immediate effect in public interest.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 25th January, 1989.

Planning Department

Order

No. 4-19-75/PLG-Vol-II-(Part)

Read: — 1) Govt. Order No. 4-19-75/PLG-Vol-I(Part) date 9-7-1987.

2) Govt. Order No. 4-19-75/PLG-Vol-II(Part) dated 1/9/1988.

The ad-hoc appointment of the following Group 'B' Gazetted Officers of the Common Statistical Cadre is continued further for a period of six months with effect from 1-1-1989 to 30-6-1989 or till the posts are filled on regular basis, whichever is earlier: —

- Shri Ivo Furtado — Statistical Officer.
- Shri A. M. Shaikh — Statistical Officer.
- Shri J. L. M. P. Dias — Statistical Officer.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Planning).

Panaji, 1st February, 1989.

Education Department

Order

No. 15/6/88-EDN

Government is pleased to constitute a Committee of below mentioned persons to make thorough survey of the Painting (Non-Indian and Indian Origin) and art objects from Government Offices, Institutions, Churches, Temples and Private Houses in the State of Goa.

- Development Commissioner/Secretary (Education) — Chairman.
- Smt. Jaykrishnan — Member.
- Dr. Carmo Azavedo — Member.
- Shri Percival Noronha — Secretary, Indian Heritage Society, Goa Branch — Member.
- Dr. Bailon D'Sa — President, Institute Menezes Braganza — Member.
- Shri Max Sequeira Colvale, Connoisseur of Art — Member.
- Dr. P. P. Shirodkar Director, Directorate of Archives, Archaeology and Museum — Member.
- Shri D. M. Karapurkar Information Officer — Member.
- Dr. S. K. Joshi Senior Conservation Assistant Archaeological Survey of India, Goa — Member.
- Shri Mruganka Joshi Principal, Goa College of Art — Member Secretary.

The function of the Committee will be as follows: —

- To enlist and carry out photo documentation with a view to preserve art objects properly.
- To recommend specific treatment, nature and extent of the Conservation/restoration which will be appropriate in respect of Paintings and Art objects.
- The Committee shall submit its report to Government within a year.
- The non-official members of the above committee will be entitled to claim TA/DA for their journeys performed in connection with attending the meeting as admissible to the first grade officer of the Government at the highest rates.

The meeting shall be convened by the member Secretary by circulating in advance the agenda papers to the concerned members.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 31st January, 1989.

Order

No. 14-18-83-Vol. II/EDN

Read:— Govt. Order No. 14-18-83-Vol. II/EDN dated 3-10-1988 and Corrigendum dated 30/12/1988.

Shri Y. P. Dhore, Teacher Grade-I, Government Higher Secondary School, Khandola, Marcel, is promoted as Headmaster on ad hoc basis and posted in the Government High School, Valkini, Sanguem with immediate effect.

The above promotion is purely on ad hoc basis and it will not bestow on the promotee any right for regular appointment or count ad hoc service for future promotion.

By order and in the name of the Governor of Goa.

D. N. Accarwade, Under Secretary (Education).

Panaji, 1st February, 1989.

Public Works Department

Notification

No. CE/PWD/740/88-PW & UD

Whereas it has been found necessary to regularise digging of public roads for the purpose of providing utilities such as water supply pipelines, sewerlines, telephone cables, electric cables etc. in the cities of Vasco and Margao so to ensure co-ordination between the various Departments such as P.W.D., Electricity, P&T, Municipalities etc.

Now, therefore Government is pleased to constitute a Co-Ordination Committee to control digging of roads in the cities of Margao and Vasco. The committee shall consist of the following members.

1. Chief Engineer, P.W.D. — Chairman.
2. Superintending Engineer, Electricity Department, Margao. — Member.
3. Divisional Engineer Telegraphs, Panaji — Member.
4. Municipal Engineer of Margao and Vasco — Member.
5. Executive Engineer, Works Division VI, P.W.D., Margao — Member.

The committee shall consider the request of any Department that requires digging on public roads in Margao and Vasco cities and shall issue necessary approval after carefully studying the request and taking into consideration the future development of the area.

The committee will meet at a place, time and the date to be fixed by the Chairman. The Chairman will also be responsible for calling the meeting and timely submission of necessary papers to the Government.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary (PWD).

Panaji, 30th January, 1989.

Revenue Department

Order

No. 35/2/87-RD

In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (Central Act 2 of 1899), the Government of Goa hereby authorises the Company as specified in column 1 of the Schedule appended hereto, to consolidate the stamp duty chargeable under Article 27 of Schedule 1 of the Indian Stamp Act, 1899, on the instruments as shown against the said Company in column 2 of the said schedule.

SCHEDULE

| Name of the Company | Particulars of Instruments |
|-----------------------------------|--|
| M/s Zuari Agro Chemicals Limited. | 15,000/- share certificates of the total value of Rs. 3,750/-. |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary to the Government of Goa (Revenue Department).

Panaji, 31st January, 1989.

Notification

No. 22/149/87-RD

Whereas by Government Notification No. 22/149/87-RD dated 21-1-88 published on page 623 to 625 of Series II, No. 53 of the Official Gazette, dated 31-3-88 and in two newspapers (1) Navhind Times dated 17-2-88 (2) Gomantak dated 4-2-88 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of road i.e. Improvement and Black Topping of Admorod Fradilem and Sirlim Road.

And Whereas, the appropriate Government (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, Therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector (LA) Collectorate of South Goa to perform the functions of a Collector South Goa District, Margao for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector (LA) Collectorate of South Goa Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

| Taluka: Salcete | | Village: Sirlim |
|----------------------------|--|------------------------------------|
| Survey No Sub. Div. No. | Name of the persons believed to be interested | Approximate area in sq. mts. |
| 1 | 2 | 3 |
| 91/1 part | Comunidade of Sirlim. | 40.00 |
| 91/2 | — do — | 160.00 |
| 91/3 part | — do — | 40.00 |
| 91/13 part | — do — | 30.00 |
| 91/14 part | — do — | 36.00 |
| 91/18 part | — do — | 19.00 |
| 91/21 part | Comunidade of Sirlim. T: Paulina Pereira. | 35.00 |
| 91/22 part | Govt. School. | 100.00 |
| 91/26 part | Comunidade of Sirlim, T: Filomena Monteiro. | 25.00 |
| 91/29 part | Comunidade of Sirlim, T: Paulina Pereira. | 25.00 |
| 91/31 part | Comunidade of Sirlim, T: Angelina Viegas. | 5.00 |
| 91/34 part | Lourdishan Chapel. | 5.00 |
| 91/40 part | Comunidade of Sirlim, T: Filomena Monteiro. | 25.00 |
| 91/4 part | Comunidade of Sirlim, T: Aguila Rodrigues. | 37.00 |
| 91/41 part | Comunidade of Sirlim, T. Antoneita I. Gomendas. | 5.00 |

| 1 | 2 | 3 |
|--|--|--------|
| 1/26 part | Joaquim Viegas. | 15.00 |
| 1/27 part | Nobert Luis Viegas. | 110.00 |
| 1/33 part | Mary Rodrigues. | 60.00 |
| 90/1 part | Public. | 250.00 |
| 90/5 part | Maria P. Rebello. | 385.00 |
| 90/8 part | Maria Piedade Rebello. | 35.00 |
| | T: Anavit Fernandes. | |
| 42/17 part | Horacio Joaquim de Piedade Pereira. | 150.00 |
| 42/18 part | Filomena Xaverina Pereira. | 75.00 |
| 42/19 part | Petornila Ferrao. | 82.00 |
| 42/20 part | Public. | 11.00 |
| 42/23 part | Panchayat of Sirlim. | 575.00 |
| 43/1 part | Mario Piedade Rebello. | 20.00 |
| 40/11 part | Comunidade. | 200.00 |
| | T: Lourdina Rodrigues. | |
| 40/12 part | Panchayat of Sirlim. | 500.00 |
| " /14 part | Comunidade of T: Lodovina Menezes. | 120.00 |
| Taluka: Salcete Village: Dramapur | | |
| 127/2 part | O: Not known. | 80.00 |
| " /3 part | O: Not known. | 60.00 |
| " /1 part | O: Not known. | 530.00 |
| 126/1 part | O: Not known. | 320.00 |
| " /2 part | O: Leopoldina Silva. | 93.00 |
| " /3 part | O: — do — | 200.00 |
| " /4 part | O: Niclau Fernandes. | 95.00 |
| " /5 part | O: Conceicao Rodrigues. | 20.00 |
| " /6 part | O: Olovica Fernandes. | 10.00 |
| 113/6 part | O: Domingo Manuel Coneiro. | 480.00 |
| | T: Antoneta Conceicao Carreiro. | |
| 113/7 part | O: Emetiano Dias. | 480.00 |
| | Floriano Soares. | |
| | Ana Maria F. Ferrao. | |
| | Olovies Fernandes. | |
| | Dr. Francisco Dias. | |
| 113/8 part | O: Antonio Merciano Lourenco. | 960.00 |
| | Roque Agapito Custodio. | |
| | Rodrigues E. Lourenco. | |
| | Candide Mirand E. Lourenco. | |
| | Henricquito Ferrao E. Lourenco. | |
| 112/4 part | O: Alvaro Gomes. | 97.00 |
| 112/5 part | O: Antonio Mirciano Lourenco. | 775.00 |
| | Roque Agapito Custodio. | |
| | Rodrigues E. Lourenco. | |
| | Candide Miranda E. Lourenco. | |
| | Henriquita Ferrao E. Lourenco. | |
| 112/7 part | O: Jose Valeriano Crisal Vas. | 55.00 |
| 111/5 part | O: Rosa Maria Amelia Rebello. | 295.00 |
| 111/6 part | O: Guilhermina Gracias. | 305.00 |
| 111/7 part | Antonio M. Lourenco. | 250.00 |
| | Roque Agapito Custodio. | |
| | Rodrigues E. Lourenco. | |
| | Henriquita Ferro E. Lourenco. | |
| 111/4 part | O: Joao Lourencinho Fernandes. | 105.00 |
| 111/8 part | O: Guilhermina Dias. | 287.00 |
| | Ignes Dias. | |
| 87/1 part | O: — do — | 325.00 |
| 87/2 part | O: Jose Nolasco Hilario de Piedade Dias. | 480.00 |
| 87/3 part | O: Antonio Merciano Lourenco. | 335.00 |
| | Roque Agapito Custodio. | |
| | Rodrigues E. Lourenco. | |
| | Candida Miranda E. Lourenco. | |
| | Henriquita Ferro E. Lourenco. | |
| 87/4 part | O: Roque Santana Soares. | 115.00 |
| 87/5 part | O: Comunidade of Dramapur. | 75.00 |
| " /6 part | O: Caitano Joao Monteiro. | 200.00 |
| 86/1 part | O: — do — | 55.00 |
| 85 part | O: Comunidade of Dramapur. | 375.00 |
| | T: Carmina Fernandes. | |
| 84/4 part | O: Comunidade of Dramapur. | 260.00 |
| | T: Martina Fernandes. | |
| Taluka: Salcete Village: Sirlim | | |
| 23/3 part | O: Maria Asrurio E. Mum'IZ. | 140.00 |
| | Leopoldina Lolo Goames. | |
| 23/4 part | O: Caetano Francisco Vaz. | 400.00 |

| 1 | 2 | 3 |
|---|---|-----------------|
| Boundaries: | | |
| North: Road, S. No. 91/40, 4, 41, 42, 90/2 to 5, 42/8, 17, 18, 19, 20, 22, 15, 4, 21, 40/7, 13, 8, 11, of village Sirlim, S. No. 127/1, 2, 126/1, 2, 3, 4, 113/6, 7, 8, 112/5, 7, 111/5, 7, 4, 87/1, 2, 3, 4, 5, 6, 84/4, 8 of village Dramapur. | | |
| South: S. No. 90/1, 5, 6, 7, 8, 42/17, 19, 20, 43/1, 2, 3, 44/1, 2, 3, 40/17, 15, 14, 23/3, 4 of village Sirlim 127/1, 3, 126/1, 2, 3, 4, 5, 6, 7, 112/5, 4, 2, 111/6, 7, 8, 87/1, 2, 3, 4, 5, 6, 86/1, 85 of village Dramapur. | | |
| East: S. No. 91/3, 4, 21, 26, 29, 31, 34, 35, 40, Road of village Sirlim, S. No. 113/8, 112/2, 85 and road of village Dramapur. | | |
| West: S. No. 1/1, 13, 18, 22, 26, 33 of village Sirlim, Road S. No. 113/7, 112/4 of village Dramapur. | | |
| Total | | 11432.00 |

By order and in the name of the Governor of Goa.
P. S. Nadkarni, Under Secretary (Revenue).
Panaji, 16th February, 1989.

Notification

No. 22/131/87-RD

Whereas by Government Notification No. 22/131/87-RD dated 15-12-87 published on page 518-519 of Series II, No. 43 of the Official Gazette, dated 21-1-88 and in two newspapers (1) Navhind Times dated 5-1-1988 (2) Gomantak dated 26-12-87 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for Rural water supply scheme at Pallem in Pernem Taluka.

And Whereas, the appropriate Government (hereinafter referred to as "the Government"); after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & S. D. O. Mapusa to perform the functions of a Collector North Goa District, Panaji for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector & S. D. O. Mapusa till the award is made under section 11.

SCHEDULE

(Description of the said land)

| Taluka: Pernem Village: Pallem | | |
|---------------------------------------|--|------------------|
| Survey No. Sub. Div. No. | Names of the persons believed to be interested | Area in sq. mts. |
| 1 | 2 | 3 |
| 176/0 | O: Government. | 880.00 |
| | 2. Narayan Chandrakant Parab. | |
| | 3. Vithal Chandrakant Parab. | |

| 1 | 2 | 3 |
|--|--|---------|
| | 4. Arjun Chandrakant Parab. 5. Sahadev Chandrakant Parab. 6. Navso Sagun Parab. | |
| 171/1 | 1. Tukaram Bhiva Parab. 2. Vithal Kuso Parab. 3. Gopal Babli Parab. 4. Manohar Dattaram Parab. 5. Govind Mukunda Parab. 6. Arjun Pandurang Parab. 7. Narayan Ganpat Nair. 8. Yeshwant Krishna Parab. 9. Keshav Shiva Parab. 10. Gopal Laxman Parab. 11. Jairam Ganesh Parab. 12. Vishwanath Budo Parab. 13. Sakharam Bhiva Parab. 14. Tukaram Gopal Parab. 15. Jaganath Keshav Parab. 16. Yeshwant Kalu Parab. | 400.00 |
| 171/2 | 1. Nauso Sagun Parab. 2. Narayan Chandrakant Parab. 3. Vithal Chandrakant Parab. 4. Sahadev Chandrakant Parab. 5. Arjun Chandrakant Parab. | 490.00 |
| 167/1 | 1. Tukaram Bhiva Parab. 2. Vithal Bhiva Parab. 3. Gopal Babli Parab. 4. Manohar Dattaram Parab. 5. Govind Mukund Parab. 6. Arjun Pandurang Parab. 7. Narayan Chandrakant Parab. 8. Yeshwant Krishna Parab. 9. Keshav Shiva Parab. 10. Gopal Laxman Parab. 11. Jairam Ganesh Parab. 12. Vishwanath Bhudo Parab. 13. Sakaram Bhiva Parab. 14. Tukaram Gopal Parab. 15. Jaganath Keshav Parab. 16. Yeshwant Kaiu Parab. 17. Purushottam Krishna Parab. 18. Krishna Ladu Parab. 19. Vishnu Ladu Parab. | 725.00 |
| Boundaries: | | |
| North: S. No. 176/0, 171/1, 2 existing Nala S. No. 167/1. | | |
| South: S. No. 176/0, S. No. 171/2, 3, S. No. 170/1. | | |
| East: S. No. 176/0, 171/1, 2, existing Nala S. No. 167/1. | | |
| West: 176/0, 171/1, 2 exis- ting Nala S. No. 167/1. | | |
| Total | | 2495.00 |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 16th February, 1989.

Notification

No. 22/11/88-RD

Whereas by Government Notification No. 22/11/88-RD dated 4-2-88 published on page — of Series II, No. 45 of the Extraordinary Official Gazette, dated 4-2-88 and in two newspapers (1) Navhind Times dated 25-2-88 (2) Gomantak dated 13-2-88 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894 (hereinafter referred to as "the said Act")) that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for Mollem Wild Life Sanctuary at Sonaulim, Sanguem Taluka.

And Whereas, the appropriate Government (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, Therefore, the Government hereby declares, under section 6 of the said Act, that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & Sub-Divisional Officer, Quepem to perform the functions of a Collector South Goa District, Margao for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Dy. Collector & Sub-Divisional Officer, Quepem till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Sanguem

Village: Sonaulim

| Survey No. Sub. Div. No. | Names of the persons believed to be interested. | Approximate Area in sq. mts. |
|-----------------------------|--|------------------------------------|
| 1 | 2 | 3 |
| 11/1 | O: Smt. Benigna Carvalho Caldeira. T: Anand Babusso Naik. Datta Babusso Naik. Tulshidas Babusso Naik. Krishna Ram Gaonkar. Vishnu Khemu Gaonkar. | 30975.00 |
| 11/2 | Smt. Benigna Carvalho Caldeira. | 1700.00 |
| 11/3 | — do — | 1725.00 |
| 12/1 | Smt. Benigna Carvalho Caldeira. T: Upasso Molu Goankar. Dhaklu Chapo Gaonkar. Nandu Poro Gaonkar. Madhu Nagu Gaonkar. Gurudas Ramchandra Gaonkar. Vishnu Krishna Gaonkar. Gopi Vassu Gaonkar. Atma Vassu Gaonkar. Diniz Joao Colaco. Babashi Yeshwant Naik. Gopal Babusso Naik. Timno Rama Naik. | 55200.00 |
| 12/2 | Smt. Benigna Carvalho Caldeira. | 1900.00 |
| 12/3 | — do — | 1525.00 |

Boundaries:

North: Nala, S. No. 13, S. No. 15.

South: S. No. 15, Nala.

East: S. No. 15.

West: Nala.

Total 93025.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 20th February, 1989.

Notification

No. 22/149/88-RD

Whereas by Government Notification No. 22/149/88-RD dated 10-11-88 published on page 362 of Series II, No. 34 of the Official Gazette dated 24-11-88 and in two newspapers (i) Navhind Times dated 21-11-88 and (ii) Navprabha dated 24-11-88 it was notified under section 4 of the Land Acquisi-

tion Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose, viz. Land Acquisition for construction of Court building and residence to Judges and A.P.P. at Pernem in Survey No. 499/11 of Pernem Taluka.

And whereas, the Government being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares under the provisions of section 6 of the said Act, that the said land is required for the public purpose specified above.

2. The Government also hereby appoints under clause (c) of section 3 of the said Act, the Deputy Collector (LA) Collectorate, Panaji to perform the functions of the Collector North Goa District, Panaji, for all proceedings hereinafter to be taken in respect of the said land and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Deputy Collector (LA) Collectorate, Panaji till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Pernem

Village: Pernem

| Survey No. Sub. Div. No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|---|--|------------------------------------|
| 1 | 2 | 3 |
| 499/11 part | 1. Shri Laximan Dattaram Gurao. 2. Shri Raghurao Vasudev Deshp prabhu. 3. Shri Raghunath Sitaram Sinai Dessai. | 4200.00 |
| Boundaries: | | |
| North: S. No. 499/11 part. | | |
| South: — do — | | |
| East: — do — | | |
| West: S. No. 499/11 part and pro posed road (private). | | |
| Total | | 4200.00 |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 20th February, 1989.

Notification

No. RD/TNC/BND/280/67/346

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso: —

SCHEDULE

| Sr. No. | Name of the bund | Village | Taluka | Approximate area protected (in Hectares) | Description of the bund |
|------------|----------------------|---------|---------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Pale Curca Wadwad | Siridao | Tiswadi | 40 Ha. | This bund is starting from the new bridge (Siridao village) and ending with the sluice gate belonging to Smt. Gomes. Internal property belongs to the M/s Dempo Siridao Real Estate and Mrs. Gomes, Wadwad. It is running marginal to the Siridao creek of Zuari river and runs West to East on North side bank of the creek. |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 31st January, 1989.

Notification

No. RD/TNC/BND/280/67/345

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso: —

SCHEDULE

| Sr. No. | Name of the bund | Village | Taluka | Approximate area protected (in Hectares) | Description of the bund |
|---------|------------------|---------|--------|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Khalil Kantor | Durbhat | Ponda | 13.50 Ha. | The bund running North South marginal to the creek of Zuari River at Durbhat belonging to sociedade civil particular Pescadoses Durbhat. |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 31st January, 1989.

Notification

No. RD/TNC/BND/280/67(340)

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso: —

SCHEDULE

| Sr. No. | Name of the bund | Village | Taluka | Approximate area protected (in Hectares) | Description of the bund |
|---------|-----------------------------------|---------|---------|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Baskhazan, Akhazan and Babjer Xet | Chandor | Salcete | 150 Ha. | The bund defending the paddy field Baskhazan Akhazan and Babjer Xet starts from the paddy fields belonging to Smt. Sara Fernandes and others runs of along Southern bank creek of Chandor river. The general direction of bund is East to West and length about 2½ Km. |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 31st January, 1989.

Notification

No. RD/TNC/BND/280/67/347

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso: —

SCHEDULE

| Sr. No. | Name of the bund | Village | Taluka | Approximate area protected (in Hectares) | Description of the bund |
|---------|------------------|----------|---------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Batim Khazan | Macazana | Salcete | 12 Ha. directly 13 Ha. indirectly | The bund is running East West direction marginal to the river Zuari belonging to Mariano Fernandes and eleven other Tenants of field Bamona Khazan and ends with the same length of bund is about 1000 mts. |

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 31st January, 1989.

Addendum

No. 35/2/87-RD

Read: Government Order No. 35/2/87-RD dated 18-1-1989.

The following words and figure may be added after the figure and words "7000 share certificates" appearing in column 2 of Schedule of Government order cited above.
"of total value of Rs. 1,60,00,000".

By order and in the name of the Governor of Goa.

P. S. Nadekarni, Under Secretary to the Government of Goa (Revenue Department).

Panaji, 31st January, 1989.

Public Health Department

Order

No. 11/2/87-IV/PHD

Government is pleased to appoint Dr. Suresh B. Shetye as Honorary Dean of the Goa Dental College & Hospital, Bambolim with immediate effect, purely as an interim arrangement till such time a candidate is selected and appointed on adhoc basis or until further orders whichever is earlier.

Consequently, Dr. G. J. S. Abraham, Dean, Goa Medical College who was hitherto functioning as Dean, Goa Dental College and Hospital shall stand relieved of these additional duties on assumption of the post by Dr. Shetye.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 31st January, 1989.

Order

No. 7/11/88-I/PHD

On the recommendation of the Local Selection Committee Dr. Gurudev Datta Borkar is hereby appointed on ad-hoc basis to the post of Junior Orthopaedic Surgeon in the pay scale of Rs. 2200-75-2800-EB-100-4000 under the Directorate of Health Services and posted at Asilo Hospital, Mapusa with immediate effect against the vacant post of Junior Orthopaedic Surgeon. This appointment shall be governed by terms and conditions contained in the Government Memorandum No. 7/11/88-I/PHD dated 3-2-89.

The appointment will not bestow on him a claim for regular appointment and the services rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade. Dr. Gurudev Datta Borkar has been medically examined and found fit by the Medical Board, Goa Medical College, Panaji.

The appointment is subject to the verification of his character and antecedents.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 10th February, 1989.

Order

No. 8/33/88-II/PHD

Read: Memorandum No. 8/33/88-II/PHD dated 3-11-88.

On the recommendation of the Union Public Service Commission, the Government of Goa is pleased to appoint Dr. (Miss) Shanti Pamnani to the post of Professor of Biochemistry in Goa Medical College on regular basis on an initial pay to be fixed according to rules in the scale of pay of Rs. 4500-150-5700 (plus N.P.A.) with effect from the date she takes over the charge of the post as per the terms and conditions contained in Memorandum referred to above.

2. The appointment is made against the post of Professor of Biochemistry vacated by Dr. Vijay S. Chitre.

3. Dr. Pamnani has been declared medically fit by the Medical College, Patiala.

4. The appointment is subject to the verification of her character and antecedents.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 24th January, 1989.

No. 8-24/87-I/PHD

Read: 1) Govt. order No. 8/63/87-I/PHD dated 24-3-87.

2) Govt. order No. 8/24/87-I/PHD dated 22-9-88.

3) Corrigendum No. 8/24/87-I/PHD dated 25-10-88.

Whereas, Dr. Xamarao Poi Palondicar, Medical Officer under the Directorate of Health Services has given three months notice of voluntary retirement vide his letter dated 25-1-88 in terms of F. R. 56 read with C.C.S. (Pension) Rules, 48-A that he would retire from 1-5-1988;

And Whereas, Dr. Palondicar has also requested to treat his absence from 15-7-1983 to 19-12-1983 as "extraordinary leave" for the purpose of pension under rule 27 of C.C.S. (Pension) Rules 1972 which was treated as "unauthorised absence" vide Government order No. 8/63/87-I/PHD dated 24-3-1987.

Now, Therefore, the Governor of Goa is pleased to treat the absence of Dr. Xamarao Poi Palondicar from 15-7-1983 to 19-12-1983 as "extraordinary leave on non-medical grounds" for the purpose of pension and also accepts his notice of voluntary retirement and his retirement shall become effective from afternoon of 30-9-1988. There are no dues outstanding against Dr. Xamarao Poi Palondicar.

This supersedes the Government order No. 8/24/87-I/PHD dated 22-9-88 and corrigendum No. 8/24/87-I/PHD dated 25-10-88.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 25th January, 1989.

Corrigendum

No. 1-16-80/PHD(2)

Read: Order No. 1-16-80/PHD(2) dated 7-10-1988.

Para one of the order referred to above may be substituted to read as under:

"Government is pleased to change the designation of the existing 3 posts of Junior Assistant Clinical Pathologists (Non-teaching) created vide order No. Med/63/23321 dated 14-10-1963 in the scale of Rs. 2200-4000 to that of Demonstrator in Pathology in the same scale of pay with effect from 7-10-1988".

The Corrigendum No. 1-16-80/PHD(2) dated 18-1-1989 may be treated as cancelled.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 2nd February, 1989.

Department of Labour

Order

No. 28/47/88-ILD

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Madgaum Urban Co-op. Bank Limited and their work-

man Shri Mukund Bhandari, Clerk in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute').

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Madgaum Urban Co-op. Bank Limited, Margao, in dismissing Shri Mukund Bhandari from the services as Clerk, w.e.f. 29-3-1988 is legal and justified?

If not, what relief the workman is entitled to?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 24th January, 1989.

Notification

No. 28/13/79-ILD (Part I)

In exercise of the powers conferred by clause (b) of section 39 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called the 'said Act'), and in partial modification of Government Notification No. 28/13/79-ILD, dated 24-11-1983, published in the Official Gazette, No. 1, Series II, dated 2-12-1983, the Government of Goa hereby authorises all the Assistant Labour Commissioners under the Commissioner, Labour and Employment, Government of Goa, to make complaints in respect of offences punishable under the said Act in terms of sub-section (1) of section 34 of the said Act.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 7th February, 1989.

Order

No. 28/2/88-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 21st October, 1988.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No.: IT/9/78

| | |
|--|---------------------|
| Shri Sakharan M. Sawant | — Workman/Party I |
| V/s | |
| M/s Madras Rubber Factory | — Employer/Party II |
| Workman represented by Shri Subhas Naik, Secretary, Goa Trade & Commercial Workers' Union. | |
| Employer represented by Adv. G. K. Sardesai. | |

Panaji. Dated.: 9-9-1988

A W A R D

This is a reference made by the Govt. of Goa, by its order No. IRM/CON/(16)/77/IT-17/77 dated 7th November, 1977, with an annexure scheduled thereto which reads as follows:

"Whether the action of the management of M/s Madras Rubber Factory Ltd., Tisk-Usgao, Ponda, in terminating the services of Shri Sakharan M. Sawant with effect from 30-10-76 is legal and justified,

To what relief, if any, is the workman entitled?"

2. The above reference came to be made by the Government at the instance of the workman Sakharan M. Sawant who was working with MRF Ltd., at Tisk, Usgao, Ponda who had terminated his services w.e.f. 30-10-76. The workman had made a grievance that the order of termination of his services was mala fide and unjust and he had approached the Labour Commissioner for a relief in the matter. The matter was taken in conciliation before the Labour Commissioner alleging that there was victimisation. The conciliation proceedings ended in failure and pursuant to the failure of the conciliation proceedings the matter was referred to this Tribunal under the above reference for adjudication and after notices parties appeared in the matter and filed their written statements and rival contentions.

3. The Management appeared in the matter and filed the written statement dated 10th June, 1978 and this written statement was filed after the workman had filed his statement of claim dated 16th Feb., 1978. After the filing of the written statement by the management, the workman filed his rejoinder on 30th October, 1978. Before further proceedings in the matter were to take place the management filed an application dated 1st April, '80 contenting inter alia that the order of reference is not maintainable because when is referred to this Tribunal is not an industrial dispute but it is an individual dispute. According to the management of the Opp. Party the dispute is raised by Goa Trade & Commercial Workers' Union but the said Union is not representing the workmen employed by the Company. On these grounds the company had maintained that an individual dispute is taken into consideration by the Govt. and the reference is made regarding the termination of the services of the individual workman, but the Govt. wrongly exercised its powers vested u/s 10 of the I. D. A. (hereinafter referred to as the Act) because it is not an industrial dispute within the meaning of sec. 2-A of the Act. The company made out a case that since the reference is bad in law and their point of objection be treated at a preliminary issue and the same be heard initially. To this application of objection the workman filed his say on 10th April, 1980 through the representative of the Trade Union by name George Vaz and contended that he was the Gen. Secretary of the Goa Trade & Commercial Workers' Union and he had represented before the Labour Commissioner in his capacity as Gen. Secretary of the Union and had raised the dispute before the Labour Commissioner and as such the dispute cannot be termed as an individual dispute but it is a dispute raised by the Trade Union as required u/s 10 Sub-sec. (1) of the Act and the Govt. have specifically mentioned Sec. 2-A in the order of reference which validates the reference and the same is not bad in law.

4. With these rival contentions my predecessor went on considering these preliminary objections and by his speaking order dated 10-4-80 (there seems to be typographic mistake which states that the order is dated 1-4-80), he held that a mere omission to refer to Sec. 2-A in the order of reference does not make the reference invalid and liable to be dismissed in limine. According to him, when the Govt. was undisputedly entitled to make the reference and when the Govt. has acted correctly within its jurisdiction while making the reference, the reference cannot be said to be invalid or bad in law simply because the Sec. 2-A is not specifically mentioned in the order of reference. The say to the preliminary objection of the Company was filed by George Vaz on 10-4-80 and the order is passed on the very day which I found out upon a careful scrutiny of the roznama. The roznama dated 10-4-80 says that first party and his representative Vaz were present and R. Dessai for 2nd Party present and order on the preliminary point passed and copies sent to the Parties. Hence, the order on the preliminary point was passed on 1-4-1980 negating the preliminary objections and holding that the reference was sustainable.

5. Before that the issues were framed in the matter on 31-3-1983 and the issues framed by my Predecessor reads thus:

ISSUES

1. Does the Opponent prove that the service of Party I have been terminated legally and for good reasons?
2. Does the Party I prove that the termination is mala fide and amounts to victimisation and unfair labour practices?

3. Does Party I prove that he has not been able to find alternative employment?

My findings on the issues:

1. No.
2. Yes.
3. Does not arise as compensation in lieu of reinstatement is awarded.

RESULTS

The evidence recorded in the case before my Predecessor contains of Anthony Fonseca examined on 18-11-1983 and cross examined on 25-1-1985. The evidence of Party I, Sakharan Sawant was recorded on 16th July, 1982 and his cross examination is completed on 21-3-1983. On behalf of the Company the evidence of Laboratory Incharge by name J. Kurian is recorded and his cross examination completed on 11-8-1980. There seems to be no other oral evidence in the case papers but voluminous documents including copies of Standing Orders are produced in the record. Thereafter the matter was argued before my Predecessor. The roznama dated 7-3-1985 shows that the Advocate for both the parties were present and that they took time to file written arguments by promising to give the copy to the other party and the date was fixed on 15-3-1985. The roznama dated 15-3-1985 shows that the workman's representative George Vaz orally argued the matter on that day and the employer's advocate Shri G. K. Sardesai filed his written arguments, after workman's representative completed oral arguments and the matter was fixed for award. Thereafter the roznama is silent and in the meantime the Presiding Officer retired on superannuation and the matter was kept on a dormant file. At my instance the matter was taken up before me on 20-1-1988 and by my order the matter was posted for hearing the arguments on 24-2-1988. The matter was subsequently adjourned for arguments and the matter was argued over on 25-3-1988. In view of certain points raised by the Adv. for the employer in the oral arguments the workman's representative Shri Subhas Naik has filed his additional written arguments on 18-4-1988 and with these intervening events the matter is being taken up by me for consideration with a view to pass an award in the matter. There is obviously enormous delay in hearing the matter and even after the oral evidence was completed the matter remained on dormant file for a considerable time and now the above three issues are taken up by me for consideration and I feel that before considering the issues one after another I should first recapitulate the things giving rise to the reference to understand the rival contentions of the parties.

6. Applicant, workman was appointed as an apprentice for two years, by a letter dated 28-6-1974. The period for which he worked as an apprentice is between 15-4-1974 to 14-5-1976 while the period of apprenticeship was to expire in May, 1976, the Management by a letter dated 25-5-1976 appointed him as probationer Operator for a period of 6 months retrospectively w.e.f. 1-5-1976. If this probation period for 6 months is computed the workman could have continued for 6 months beyond 14-5-76 i.e. 14-11-76. However, as the letter dated 25-5-76 is retrospective in effect making him probationer operator from 1-5-76 the period of probationer operator has to be computed for 6 months w.e.f. 1-5-76 meaning that the probation period ended on 13-10-76. This is the computation which was made by the management and the management had either to continue him in the regular service after 30-10-76 or to take some other step. In this case the management took some other step namely by a letter dated 30-10-76 the management terminated the services of the workman with immediate effect. This is how the workman was removed from the job w.e.f. 1-11-76 and the workman challenged this action of the management by taking the matter into conciliation before the Labour Commissioner and after the failure of the conciliation proceedings the matter was referred to the Govt. and the Government in turn made the reference to the Industrial Tribunal as stated above. The grievance of the workman is that the action of the management is arbitrary in nature and the management did not even give him a notice of one month nor did it pay him the retrenchment compensation as required u/s 25F of the I.D. Act. The workman further maintains that even in the case of probationer there must be an enquiry and before the order of the termination an enquiry is a must. The crux of the whole matter lies in considering whether management ought to have given sufficient opportunity to the workman to show cause why he should not be absorbed in the regular

service of the Company or why his probation period should not be extended by a further period. However, no such action has been taken by the management and the management abruptly terminated the services of the workman on 30-10-76, the day of which he completed the service of 2 years and 5 months without an interruption or break in the service. According to the workman he had performed his work duly and diligently and after the completion of the period of two years the management found him fit to act as a probationer operator for a further period of 6 months. This is the stand taken by the workman right from the beginning and it would be proper at this stage to see and understand what the management has to say in this regard.

7. While making submissions on behalf of the management it is submitted by the Advocate that the appointment of the applicant workman was as an Apprentice for a period of 2 years and this was an appointment of term contract and the period of contract was fixed for 2 years. Hence by virtue of the contract for two years no automatic continuation in service was guaranteed. Hence according to the management upon the completion of the period of 2 years by the end of 14-5-76 the services of the applicant workman could have stood terminated automatically. However, the management thought it fit to give a further chance to the workman and to test his capacity by appointing him as a probationer operator for a period of 6 months w.e.f. 1-5-76. Hence according to the management this period of 6 months is crucial and important and the working capacity and efficiency of the workman was being carefully watched by the management and the management found 2 instances of misconduct on the part of the workman. The first misconduct was on 18-8-76 and 2nd misconduct was on 16-10-76. In support to this contention the management has examined its Lab. Incharge by name J. Kurian whose evidence is recorded on 11-8-1980. He states that the applicant workman Sakharan M. Sawant was working under him in his Laboratory. According to him during the probation period of 6 months two letters were issued to the workman. The first letter dated 14-9-1976 about unauthorised absence for 7 days in August, 1976 and second letter about unauthorised absence for 6 days in September, 1976. The witness states that the letters were issued to the workman on the basis of the report from one Hari Haran. The two reports of the said Hari Haran dated 12-8-1976 and 14-8-1976 are in the record. According to him the workman did not give any reply to the report marked Exb. E-3 and the report dated 14-8-1976. Hence on the basis of the two reports he issued a memo to the workman on 24th August, 1976 which is at Exb. E-4. The sum and substance of the memo and the two earlier reports as stated by the witness J. Kurian is that the workman did not work efficiently in the Laboratory and he was negligent. In the first instance chemicals weighing 6.6 kg. were to be filled in plastic bags to be sent to production for mixing of rubber compounds to avoid variation. The variation in the chemical would have materially affected the tyres manufactured by the Company and the tyres manufactured by the MRF Company with such chemicals would have gone scrap. According to him permissible variation in weight as per their instructions is 0.050 grams. Along with this he states about the absence of the workman who was not present on duty on 1st, 2nd, 18th, 19th, 27th, 30th and 31st August, 1976 for which the memo was issued. About the absence in the month of September, 1976 he relied on the record Exb. E-7 and states that during September, 1976 the applicant was unauthorisedly absent on 1st, 2nd, 6th, 7th and 27th of the month and he was on leave on 13th. The management has examined this witness to point out the fact that during the probation period of 6 months the workman was found to be inefficient in the Laboratory work as well as he was guilty of misconduct due to the unauthorised absence during August and September, 1976. Hence on this ground the letter of termination Exb. W-3 was issued to the workman on October 30, 1976. This is rather a terse letter reading thus: "This is to advise you that the period of your probation stands terminated w.e.f. close of work today as your performance and attendance is not found to be satisfactory. With these remarks the workman is asked to go home on the very day with liberty to collect the dues if any from the Cashier on any day in future.

8. The workman has put up a continuous service for about 2½ years and the representative of the workman claims that the action of the management is arbitrary in nature and no opportunity of any sort was given to the workman to give his say in the matter. According to him this is an action which is violative of the principles of natural justice and the action of the management is capricious in nature. According to him if the management so desired, it could have held a departmental enquiry against the workman

instead of such an abrupt termination of services. While countering this claim on behalf of the workman it is submitted on behalf of the management that the action of the management in refusing to extend the period of probation for a period of 6 months in the instant case cannot be challenged in the Court of Law. According to him as his services was on the terms of contract no automatic confirmation was guaranteed to the workman and when the management found that the duties of the workman were not satisfactory during the period of 6 months the management thought it fit not to extend the period of probation beyond 30-10-1976 and hence the impugned letter of termination on the same day was issued. The management has tried to justify its action stating that this is just a simple letter of termination and no stigma of any sort is attached to the departing workman and the management was acting in the exercise of the managerial right to terminate the services of probationer. In this regard the workman's representative had claimed that the workman who had put up continuous service for over 2 years had acquired a right u/s 25 F of the I. D. Act. Taking exception to this, the management has aversed that this point is not taken up in the pleadings. Even if this point is not taken up in the pleadings I find that this point can be taken into consideration being a question of law and I shall study the provisions of law to understand whether the employer has a right to terminate the services of such an employee who has put in a service of more than 2 years by a simple order like the one in the instant case. According to the management, the management has exercised its discretion in terminating the services of a probationer or to put it in other words in refusing to extend the period of probation beyond the period of 6 months. According to the management, the action of the management cannot be taken as a penal one as the order is issued in exercise of the discretion vested in the management. While elaborating further on this point it is maintained on behalf of the management that there is sufficient material on record to establish that the employer rightly came to the conclusion that the services of the employee should be terminated and citing case law on this point it is submitted that this Tribunal cannot sit upon the judgment of the management to reassess the decision if there is sufficient material on record showing that the termination was based on proper assessment of the performance of the workman during the probation period of 6 months. All these submissions are based on the assumption that an Apprentice is a Trainee and applicant is not a workman as defined u/s 2 F of the I. D. A. Hence the crucial question for consideration is whether a trainee or an apprentice is the employee of the company and if he is held to be an employee of the company the provisions namely the definition of a workman u/s 2 F of the Act would be attracted. The case law is cited to point out that apprentice is not a person who is an employee of the employer unless Sec. 25 F of the Act is specifically pleaded the apprentice cannot be styled or termed as a workman. Reliance is also placed on the provisions u/s 18 of the Apprentice Act to point out that the apprentice is not a worker.

9. Before considering the legal provision in this regard, I shall take a brief resume of the Standing Orders of the Opponent/Company which are produced in the case papers. As per Sec. 3 of the Orders the workmen are classified as:

- | | |
|-----------------------------|----------------|
| a) Permanent | b) Probationer |
| c) Temporary | d) Casual |
| e) Apprentice and Trainees. | |

In the same clause the definitions are given and a probationer is defined as one who is provisionally employed to fill a permanent vacancy and the one who has not completed the period on probation. The definition further envisages that confirmation of services of a probationer shall be in writing and in the absence of such written order the workman shall be deemed to continue on probation. About the Apprentice and Trainee, the definition says that he is a learner who is paid a stipend and whose terms and conditions are governed by provisions of Apprentice Act, 1961. The whole issue revolves round the definition of the term Apprentice and Trainee and whether the Trainee becomes a temporary workman or a permanent workman to get the rights under the I.D. Act. My Predecessor has no doubt framed the 3 issues covering the case of the Opponent Employer that the service of Party No. 1/Workman have been legally terminated and for good reasons and the case of the workman is that the termination is mala fide and amounts to victimisation and unfair labour practices. If it is held that Party No. 1, who was an Apprentice Trainee is not a workman then the question of getting benefits of

the provisions of I. D. A., 1947 and the provisions s/s 2(oo) read with Sec. 25 F relating to retrenchment need not be applicable at all. I shall first study the employer's case in this regard.

10. According to the employer, a case of a probationer stands on different footing with that of a workman and as such Sec. 25 F is not attracted at all. The workman is defined in Sec. 2(s) of the Act. The original definition in the Act of 1947 was altered in extenso by the amendment of 1956. The definition of workman in the Act of 1947 means any person employed including an apprentice in an industry etc. The term workman is also defined in the Workmen's Compensation Act as well as the Factories Act and the Shop Act. All the definitions consider the nature of work, terms of employment etc., and the term was widened to include persons doing supervisory work also. We are here on the point whether an Apprentice/Trainee is also included in the definition. Reliance is placed on behalf of the employer on a Supreme Court authority reported in A. I. R. 1957 page 264, wherein it is observed that relationship as employer and employee has to be established and apprentice is not a person who is an employee. Reliance is also placed on the definition of apprentice u/s 18 of the Apprenticeship Act. According to the management this definition has to be read along with the Certified Standing Orders and the action of the management is justifiable in as much as Party No. 1 was a trainee for two years and the Training period was further extended by another 6 months and the termination came to be made within the later part of 6 months and the action was based on the adverse report received against the workman, and there is no question of victimisation. About the period of one year contemplated u/s 25 F of the Act, it is claimed that the workman did not complete continuous service for 240 days after the extension of the period of training. As against this it is claimed on behalf of the workman that he is in continuous and un-interrupted service for a period of 2 years and 4 months or more. The workman joined the service on 15-5-74 and the training period was to end on 14-5-76. By a letter dt. 25-5-76 that is after the completion of the continuous service for two years he was informed that the training was extended by another 6 months and during this period of 6 months by the letter dated 30-10-76 his services were terminated on the very day. According to the workman, he was put into a lurch by abruptly asking him to go on the very day after he had completed continuous service for 2 years and 5 months or so. According to him, no enquiry was held about his misconduct and this offends the provisions u/s 2(oo) read with Sec. 25 F of the Act. According to him, some enquiry ought to have been held by giving him an opportunity to defend himself. A letter merely alleging misconduct was served on him on 30-10-76 and on the very day he was asked to go home. According to the workman he successfully completed the training period on 14-5-86 and the subsequent letter extending the training period is arbitrary in nature and the training period cannot be extended in this fashion. According to the management it has a right to extend the training period as per the Standing Orders. In this regard, I shall now consider the legal opinion and the opinion given by the Supreme Court on this point. In the case of Mohanlal v. Bharat Electronics reported in AIR 1981 Supreme Court page, 1253, the workman was appointed by an order dated 8-12-73 on probation for a period of 6 months. Subsequently, the period was extended upto 8-9-74. His services was terminated w.e.f. 19-10-74. On these facts the Supreme Court have held that the workman was not on probation during the period and he was either temporary or permanent workman. As the termination of service did not fall within any of the exceptions or the excluded categories the termination would constitute retrenchment as defined u/s 2(oo) and thereby attracting the provisions u/s 25 F of the Act, which were not complied with, thereby bringing about the termination. Hence, the Supreme Court held that the termination of service is ab initio void. There is also another authority of the Supreme Court relied upon on behalf of the workman. It is case of Brook Bond India v. Y. K. Gautam reported in 1973 Supreme Court cases (L & S) page 572. In that case, Gautam was appointed as a Salesman on 6 month's probation by Brook Bond Company. The company had reserved the right to terminate the services during the period of probation, without notice and without assigning any reason whatsoever. The services of Gautam were terminated within his probation period as per the above clause in the letter of appointment. On these facts the Industrial Tribunal held that the order was unjustified and illegal and set aside the termination order. The Brook Bond Company took the matter to the Supreme Court wherein the Supreme

Court held that "The Tribunal can, in a case where industrial dispute is raised, go into the question of the validity of the order of termination, even in the case of a probationer whose services have been dispensed with before the probation expired without assigning any reason. The Tribunal can enquire whether the order of termination has been effected in the bonafide exercise of the power conferred by the contract. It is open to the industrial tribunal to consider whether the order of termination is malafide or whether it amounts to victimisation of the employee or an unfair labour practice or is so capricious or unreasonable, as would lead to the inference that it has been passed for ulterior motive and not in bonafide exercise of the power arising out of the contract. In such a case it is open to the Industrial Tribunal to interfere with the order of the management and to afford proper relief to the employee."

11. The above two authorities are directly on the point and I need not consider the other case law cited before me in the arguments. Upon a careful consideration of the facts I feel that the management ought to have given an opportunity to the workman to explain the charges levelled against him in the two reports made against him. It looks unjust and improper to ask a person to leave the job on the very day of the termination of service after a continuous service of 2 years or 5 months or so. The workman on account of his continuous service had acquired certain rights which are safeguarded under the I.D.A. 1947 and there are the provisions u/s 2(oo) read with Sec. 25F of the Act, whereunder there ought to have been a notice of one month before the termination of service. All this have not been done and it appears that the workman is entitled to the relief as contemplated u/s 25F read with Sec. 33 of the Act. It has to be noted pertinently that the dismissal is effected in 1974 and we are considering the matter after a lapse of over 14 years. The workman claims that during this period he is lying idle and is waiting for the result all these years. This is very difficult to accept. Shri Subhas Naik for the workman did submit before me that the workman is now doing odd and some sundry jobs in the office of the union. It is just possible that he has devoted himself to the Union activities. I, therefore feel that instead of reinstatement the relief by way of compensation would best serve the ends and justice. Now, after the introduction of Sec. 11A in the Act, the Tribunal has got wide powers consider the position and it has discretion to direct reinstatement with or without any condition or to award any lesser punishment or compensation in lieu of reinstatement. I find the direct authority on the point in the case of Anglo American Tea Co. v. Workmen reported in 1961 II LLJ 625 wherein his lordship Wanchoo J has observed that Sec. 11A vests Tribunal with discretionary jurisdiction to give such other relief to the workman and for some valid reasons it considers that reinstatement will not be fair and proper, compensation in such a case is the solatium for unjustified and premature termination of employment.

12. I, therefore, hold that the termination order is not just and proper, but by way of relief I award him compensation u/s 25F of the Act, and the compensation would meet the ends of justice. I propose to award him compensation at the rate of Rs. 1000/- for the service of 2½ years which comes to Rs. 5,000/- (Rupees five thousand only). Additionally I award him the notice pay of Rs. 750/- for one month and retrenchment compensation at the rate of 15 days per year for 2 years which comes to Rs. 750/- In the result, I answer the above issues accordingly and pass the following order:

ORDER

It is hereby held that the action of the management of M/s Madras Rubber Factory Limited, Tisk, Usgao, Ponda, Goa in terminating the services of Shri Sakham M. Sawant, w.e.f. 30-10-1976 is not legal and justified.

As relief, instead of reinstatement it is directed that the management of Party No. II do pay an amount of Rs. 6,500/- (Rupees six thousand and five hundred only) to the workman for improper termination of service.

In the circumstances of the case, the parties are directed to bear their own costs.

Inform the Govt. accordingly, about the passing of the award.

S. V. Nevagi
Presiding Officer
Industrial Tribunal

Finance (Revenue and Control) Department

Order.

No. 3-5-84-Fin (R&C) part. III

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964), the Government of Goa is pleased to exempt the feature film "RAAKH" from the liability of payment of entertainment tax in whole throughout the Goa State for a period of six months with effect from the date of release of the said film in Goa State subject to the following conditions:—

- i) The rate of payment for admission shall be reduced to the extent of the entertainment tax payable on each admission tickets;
- ii) The licence of the auditorium where the said film is screened shall maintain separate account regarding the tickets for admission issued and submit them to the Commissioner of Entertainment Tax, Government of Goa, Panaji within one month from the date of the last screening of the film at each place;
- iii) This order shall be exhibited in the prominent position at the public entrance to the place of entertainment at the time the public are admitted during the entertainment.

By order and in the name of the Governor of Goa,

K. M. Nambiar, Under Secretary (Fin. Exp.).

Panaji, 6th February, 1989.

Law (Establishment) Department

District and Sessions Court, Panaji

Order

No. DSC/JO/L/159/89/692

Shri Anand D. Salkar, Addl. Civil Judge, Senior Division and Judicial Magistrate, F.C., Panaji is hereby granted Earned Leave for 5 days with effect from 6-2-89 to 10-2-89 with permission to prefix 5-2-89 being Sunday and to suffix 11th and 12th February, 1989 being Second Saturday and Sunday respectively.

Certified that but for proceeding on leave he would have officiated as Addl. Civil Judge, Sr. Division and Judicial Magistrate, First Class, Panaji.

On expiry of leave granted he is likely to be posted in the same station from where he is proceeding on leave.

During Shri A. D. Salkar's absence on leave Shri G. V. Ratnam, Civil Judge Sr. Division and Chief Judicial Magistrate, Panaji, shall look after urgent work in Civil and Criminal matters of his Court.

Eurico Santana da Silva, District & Sessions Judge.

Panaji, 4th February, 1989.

GOVT. PRINTING PRESS — GOA

(Imprensa Nacional — Goa)

PRICE — Rs. 1-20 Ps.